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HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM : **HON'BLE MR. S.R.NAYAK, C.J. AND**
HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.1234 OF 2001

Petitioner : Shri Sheetal Singh Thakur Ex.Society Manager, S/o Sher Singh Thakur, Aged About 51 years, R/o Village-Putpura, Teh-Navagarh, District-Durg (Chhatisgarh)

versus

Respondents :

1. Asstt. Registrar, Co-operative Societies, Bilaspur (C.G.)
2. Joint Registrar, Co-operative Societies, Raipur (C.G.)
3. Deputy Registrar, Co-operative Societies, Bilaspur (C.G.)
4. Zila Sahakar Kendriya Bank Maryadit, Bilaspur (C.G.)
5. General Manager, Zila Sahakari kendriya Bank Maryadit, Bilaspur (CG)
6. Shri Baijnath Chandrakar President, Zila Sahakari Kendriya Bank Maryadit, Bilaspur (CG)
7. Shri Murlidhar Sharma, Director, Unnat Pashupalan Samshta Oppt.Luthra Hospital, Nehru Nagar, Bilaspur (C.G.)

Present : Mr. P.P.Sahu, counsel for the petitioner.
Mr. Utkarsh Verma, Deputy Government Advocate for respondents No.1 to 3.
Mr. Rajesh Pandey, counsel for respondents No.4 and 5.
Mr. Manindra Shrivastava, Senior Advocate with Mr. Ashish Shrivastava, counsel for respondent No.6.
None appears for respondent No.7.

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ORAL ORDER
(Passed on 12th of September, 2006)

The following order of the Court was passed by **S.R.Nayak, C.J.** :

This is another case in the series which brings to the fore how a noble, laudable and public justice-oriented legal process, that is what we call "Public Interest Litigation" which is essentially and initially meant to provide legal representation to previously unrepresented groups and citizens, can be misused and abused by unscrupulous persons, without any element of public interest either in their heart or in mind, to have their own axe to grind against an individual for an oblique consideration and as a vexatious measure.

2. We have carefully gone through the writ petition averments and the affidavits. The petitioner has nowhere disclosed the activist role played by him in the past. On the other hand, the pleadings filed by the respondents would show that the petitioner is an employee of the Bank – respondent No.4, and when he was about to be prosecuted for misappropriation of the funds of the Bank – respondent No.4, realizing that he had no defence, sought voluntary retirement, and immediately thereafter, he has come forward to institute this Public Interest Litigation as a vexatious measure to harass office bearers and the officers of the Bank – respondent No.4. The petition lacks *bona fide*.

3. In para 4 of the writ petition, it is stated that on the basis of several complaints and representations made by the petitioner, the Registrar of Co-operative Societies, Chhattisgarh State directed conduct

of an enquiry into the affairs of the Bank – respondent No.4. His only complaint is that the enquiry was not completed as he expected. So alleging, the petitioner has sought for a direction to the Registrar, Co-operative Societies to complete the enquiry within a stipulated time as fixed by this Court and to submit enquiry report before this Court.

4. In the return filed by the Bank – respondent No.4, it is stated that the enquiry was already completed and report was also submitted on 25-7-2001. In that view of the matter, this writ petition has become infructuous.

5. In the result, we dismiss the writ petition with exemplary costs, quantified at Rs.15,000/- (Rupees Fifteen Thousand) payable by the petitioner to Chhattisgarh High Court Legal Services Committee within a period of one month from today. The Registry is directed to report to the Court after one month whether this direction has been complied with by the petitioner or not.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Gopal